

"In view of the facts and circumstances, the application is made absolute in terms of

prayer clause (a) and stands disposed of."

3. The relief in terms of prayer clause (a) of the application, which was granted, reads thus:-

"that pending the hearing and final disposal of this appeal the Order and Judgement dated 19/12/2001 by the Learned Trial Judge of the City Civil Court may be stayed."

4. By the judgment and order dated 19th December, 2001 passed in L.C.Suit No.5888 of 1998, the City Civil Court had dismissed the suit. Obviously, therefore, the order passed by this Court on 16th September, 2004 in Civil Application No.2002 of 2003 in First Appeal No.927 of 2004 will not revive any interim order which might have been passed by the City Civil Court during the pendency of the suit. Drawing attention to the paragraph 3 of the judgment of the City Civil Court, it was sought to be contended that in the Notice of Motion taken out by the petitioner during the pendency of the suit, by an order dated 30th November, 1998, there was direction to maintain status quo, and inspite of the said order, the respondent No.1 demolished the structure after filing of the appeal and after passing of the order dated

16th September, 2004. As already observed above, the dismissal of the suit will result in vacating the order of status quo passed on 30th November, 1998 by the City Civil Court. It is then sought to be contended that in order to enable the party to approach the City Civil Court while dismissing the suit directed the maintenance of status quo. Even assuming that such maintenance granted by the City Civil Court, the same stood vacated on the date when this Court passed the order dated 16th September, 2004 in terms of the prayer clause (a) without directing continuation of such status quo. Being so, any action taken by the respondent No.1 after 16th September, 2004, cannot be said to be in violation of any order as there was no order against the respondent No.1 not to take any action in the matter after 16th September, 2004.

5. Viewed from this angle, therefore, there is no case for proceeding against the respondents for contempt of Court. The petition is therefore dismissed. The notice shall stand discharged.

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